

Over the past year, through the Wood County Bicentennial Commission, events and activities have taken place to commemorate the county's rich history and install a spirit of excitement about the years to come. People of all ages, throughout the county, have been involved in historic exhibits, contests, and special ways to share the past and prepare for the future.

With this statement in the CONGRESSIONAL RECORD, I will make this my submission to the next major event in the bicentennial celebration—the placing of a "Time Capsule" at the Wood County Courthouse. With my fellow West Virginians in Wood County, I envision the day one hundred years from the day this capsule will be stored when a future Senator of West Virginia will be presented this piece of history. I am confident that in October of 2099, Wood County will continue to be a center of economic progress, community spirit and commitment, and other features that have defined this corner of the nation for two hundred years already.

Wood County has a long history, in particular, in playing a major role in the development of the oil and gas industry in the State and the county. Through its resources and industrial progress, Wood County has been the source of fuel for prosperity and growth way beyond its borders.

The county is also proud to house a significant chemical industry, manufacturing the critical components of products world-wide and involved in path-breaking research and development. For example, the largest DuPont facility in the corporate structure resides outside of Parkersburg on the land that George Washington once owned.

Wood County has tremendous treasures in the form of both its people and its material assets. I join its leadership and citizens in celebrating this bicentennial year, and playing my part in the time Capsule that will reappear another century from now. And I know that All Americans wish Wood County continued prosperity and progress.●

#### KEEPING KIDS ALIVE

• Mr. LEVIN. Mr. President, last week in Michigan, a coalition of members in the House of Representatives introduced a comprehensive package of gun safety legislation. The principal sponsors of this package are State Representatives Laura Baird, Gilda Jacobs and Samuel Thomas II, three leaders in the state of Michigan on making our state safer for children.

The legislation introduced in the Michigan State House is designed to keep kids alive in Michigan and safe from gun violence. It would create gun-free zones in areas such as schools, day care centers, churches, libraries, hospitals and sports arenas; make Michigan the eighteenth state to enact a child access prevention law, requiring that trigger locks be sold with hand-

guns; close the gun show loophole by requiring that unlicensed dealers be subject to the same standards as licensed dealers; and limit individuals to one handgun purchase a month.

This legislation, if enacted, would make Michigan one of the most responsible gun safety states in the country. By taking firearms out of the hands of minors and closing loopholes that permit criminals easy access to weapons, Lansing will send a clear message to Michigan mothers and fathers that the state is acting to protect children from gun violence.

This legislation is a far cry from the legislation the Michigan Legislature moved forward with last spring. That NRA-backed legislation, designed to loosen the state's law on carrying concealed handguns sailed through the state Legislature only to be rejected by the citizens of Michigan. Michigan's citizens demanded that their lawmakers, enforce stricter, not looser laws, when it comes to gun safety and the protection of their children. The people in Michigan united to reject that bill last spring and I hope they will again unite to seek action from their lawmakers, and urge them to pass this important legislation.●

#### SMALL BUSINESS ADVOCACY REVIEW PANEL TECHNICAL AMENDMENTS ACT OF 1999

Mr. HAGEL. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 273, S. 1156.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1156) to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 and to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill to be inserted are shown in italic.)

#### S. 1156

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Advocacy Review Panel Technical Amendments Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are being developed by the Environmental Protection Agency and the Occupational Safety and Health Administration.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

#### SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 609(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Before the publication of an initial regulatory flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall—

"(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the 'Chief Counsel') in writing;

"(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

"(C) not later than 30 days after complying with subparagraphs (A) and (B)—

"(i) [With the concurrence of] in consultation with the Chief Counsel, identify affected small entity representatives; and

"(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) or the information in full, if so requested by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

"(2)(A) Not earlier than 30 days after the covered agency transmits information pursuant to paragraph (1)(C)(ii), the head of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the office within the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

"(B) The review panel shall—

"(i) review any material the covered agency has prepared in connection with this chapter, including any draft proposed rule;

"(ii) collect advice and recommendations from the small entity representatives identified under paragraph (1)(C)(i) on issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c); and

"(iii) allow any small entity representative identified under paragraph (1)(C)(i) to make an oral presentation to the panel, if requested.

"(C) Not later than 60 days after the date a covered agency convenes a review panel pursuant to this paragraph, the review panel shall report to the head of the covered agency on—

"(i) the comments received from the small entity representatives identified under paragraph (1)(C)(i); and

"(ii) its findings regarding issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c).

"(3)(A) Except as provided in subparagraph (B), the head of the covered agency shall print in the Federal Register the report of

the review panel under paragraph (2)(C), including any written comments submitted by the small entity representatives and any appendices cited in the report, as soon as practicable, but not later than—

- “(i) 180 days after the date the head of the covered agency receives the report; or
- “(ii) the date of the publication of the notice of proposed rulemaking for the proposed rule.

“(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

“(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule.”.

#### SEC. 4. DEFINITIONS.

Section 609(d) of title 5, United States Code, is amended to read as follows:

“(d) For the purposes of this section—

“(i) the term ‘covered agency’ means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

“(2) the term ‘small entity representative’ means a small entity, or an individual or organization that *primarily* represents the interests of 1 or more small entities.”.

#### SEC. 5. COLLECTION OF INFORMATION REQUIREMENT.

(a) DEFINITION.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by inserting “and” after the semicolon;

(2) in paragraph (6) by striking “; and” and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The [fourth] fifth sentence of section 603 of title 5, United States Code, is amended to read as follows: “In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary, and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.”.

#### SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

Mr. BOND. Mr. President, I rise today to speak in support of the Small Business Advocacy Review Panel Technical Amendments Act of 1999, S. 1156. This bill was approved by the Committee on Small Business which I chair, with unanimous bipartisan support. Senator KERRY, the Ranking Member of the Committee, was the lead cosponsor of this important small business legislation.

Our bill is simple and straightforward. It clarifies and amends certain provisions of the law enacted as part of my “Red Tape Reduction Act,” the Small Business Regulatory Enforcement Fairness Act of 1996. In 1996, this body led the way toward enactment of this important law. With a unanimous vote, we took a major step to ensure that small businesses get an opportunity to participate in the rulemaking process when their input can have the greatest impact, and that they are treated fairly by federal agencies.

The overall purpose of the Regulatory Flexibility Act and the Small

Business Regulatory Enforcement Fairness Act, is to identify and minimize the burdens of the regulations on the small businesses affected by the agency’s actions, and to help the agency make the rule as effective as possible when it is implemented.

Under the Small Business Regulatory Enforcement Fairness Act of 1996, which amended the Regulatory Flexibility Act, each “covered agency” is required to convene a Small Business Advocacy Review Panel (Panel) to receive advice and comments from small entities that will be affected by the regulation being developed. Specifically, under section 609(b), each covered agency is to convene a Panel with representatives from the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel of Advocacy of the Small Business Administration, and the covered agency promulgating the regulation, to receive input from small entities prior to publishing an Initial Regulatory Flexibility Analysis for a proposed rule with a significant economic impact on a substantial number of small entities. The Panel produces a report containing comments from the small entities and the Panel’s own recommendations. The report is provided to the head of the agency, who reviews it and, where appropriate, modifies the proposed rule, Initial Regulatory Flexibility Analysis or the decision on whether the rule significantly impacts small entities. The Panel report then becomes a part of the rulemaking record.

Under current law, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) are the only agencies covered by the Panel process. So far, the results are encouraging with these agencies clearly benefitting from the input of the small entities that have participated in the review panels. In addition, the bill will bring the Internal Revenue Service, the agency that has perhaps the most pervasive impact on small businesses, into the Panel process by mandating the agency to convene panels for certain proposed rulemakings that will impact small businesses.

Our bill also clarifies how the Regulatory Flexibility Act generally applies to the IRS. In 1996, Congress expressly included the IRS within the coverage of the Red Tape Reduction Act which amended the Regulatory Flexibility Act. However, the Treasury Department has interpreted the language in the law in a manner that essentially writes them out of the law. The Small Business Advocacy Review Panel Technical Amendments Act of 1999 clarifies which interpretative rules involving the Internal Revenue Code are to be subject to compliance with the Regulatory Flexibility Act. As I noted previously, for those rules that will impose a significant economic impact on a substantial number of small entities, the IRS will also be required under our

bill to convene a Small Business Advocacy Review Panel as required by SBREFA.

If the Treasury Department and the IRS had implemented the Red Tape Reduction Act as Congress originally intended, the regulatory burdens on small businesses could have been reduced, and small businesses could have been saved considerable trouble in fighting unwarranted rulemaking actions. For instance, with input from the small business community early in the process for their 1997 temporary regulations on the uniform capitalization rules, the IRS could have taken into consideration the adverse effects that inventory accounting would have on farming businesses, and especially nursery growers. Similarly, if the IRS had conducted an Initial Regulatory Flexibility Analysis, it would have learned of the enormous problems surrounding its limited partner regulations prior to issuing the proposal in January 1997. These regulations, which became known as the “stealth tax regulations,” would have raised self-employment taxes on countless small businesses operated as limited partnerships or limited liability companies, and also would have imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that limits inclusion of IRS interpretative rules under the Regulatory Flexibility Act, “only to the extent that such interpretative rules impose on small entities a collection of information requirement.” The Treasury Department has misconstrued this language in two ways. First, unless the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury Department contends that the Regulatory Flexibility Act does not apply. Second, in the limited circumstances in which the IRS has acknowledged imposing a new reporting requirement, the Treasury Department has limited its analysis of the impact on small businesses to the burden imposed by the form, ignoring the more substantive and complicated burdens. As a result, the Treasury Department and the IRS have turned Regulatory Flexibility Act compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill revises the critical sentence in section 603 to read as follows:

In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small-entity representatives invited to submit advice and recommendations to the Panel.

Coverage of the IRS under the Panel process and the technical changes I

have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Small Business Administration's Chief Counsel for Advocacy.

Our mutual goal is to ensure that the views of small entities are brought forth through the Panel process and taken to heart by the "covered agency"—in short, to continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and I look forward to seeing the Small Business Advocacy Review Panel Technical Amendments Act of 1999 signed into law at the earliest possible date.

Mr. HAGEL. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1156), as amended, was read the third time and passed.

#### MISSING, EXPLOITED, AND RUN-AWAY CHILDREN PROTECTION ACT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 249 to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth, and for other purposes.

There being no objection, the Presiding Officer (Mr. ALLARD) laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 249) entitled "An Act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing, Exploited, and Runaway Children Protection Act".

#### SEC. 2. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website ([www.missingkids.com](http://www.missingkids.com)) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to

match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesigned as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center."

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting ";; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children."

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the